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Attorney for Plaintiff
ALICE CHAN

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

Alice Chan
2208 E. 29th St.
Oakland, CA 94606

Plaintiff,

v.

Investment Retrievers, Inc.
c/o Joel I. Cohen, Registered Agent
4511 Golden Foothill Pkwy #3
El Dorado Hills, CA 95762

Defendant.

CASE NO.:

JUDGE:

**COMPLAINT FOR DAMAGES
UNDER THE FAIR DEBT
COLLECTION PRACTICES ACT, THE
ROSENTHAL FAIR DEBT
COLLECTION PRACTICES ACT, AND
OTHER EQUITABLE RELIEF**

JURY DEMAND ENDORSED HEREIN

JURISDICTION AND VENUE

1. Jurisdiction is founded on 28 U.S.C. §1331 pursuant to the Fair Debt Collections Practices Act (FDCPA), 15 U.S.C. §1692 and under Supplementary Jurisdiction pursuant to 28 U.S.C. § 1367(a). Venue is proper in this district because this is the judicial district where all of the events giving rise to the cause of action took place.

FACTS COMMON TO ALL COUNTS

2. The Plaintiff is a person who incurred a consumer debt primarily for personal, family or household purposes.
3. Defendant is a corporation doing business primarily as a consumer debt collector.
4. Defendant is a debt collector as defined by the FDCPA, 15 U.S.C. §1692a(6).
5. Defendant is a debt collector as defined in California Civil Code § 1788.2(c).
6. The Plaintiff is a “consumer” as defined by 15 U.S.C. §1692a(3).
7. This matter involves a consumer transaction as defined by California Civil Code §1788.2(e)
8. The debt in question qualifies as a debt as defined by 15 U.S.C. §1692a(5) and California Civil Code §1788.2(f).
9. Defendant is either the holder of the debt or was retained by the current holder to collect the debt.
10. All of Defendant’s actions occurred within one year of the date of this Complaint.
11. On or around May 25, 2007, Defendant contacted Plaintiff regarding Plaintiff’s debt and accused Plaintiff of identity theft and credit card fraud.
12. During the communication referenced above in paragraph 11, Defendant threatened to report Plaintiff to the police if Plaintiff did not call Defendant back by May 29, 2007 to make payment arrangements.
13. On or around May 29, 2007, Defendant contacted plaintiff regarding Plaintiff’s debt.
14. During the communication referenced above in paragraph 13, Plaintiff informed Defendant that Plaintiff was seeking the help of a debt management company and Defendant replied that Defendant would not work with a debt reduction program, that Plaintiff would be served with a summons, and Defendant terminated the call immediately thereafter.

15. Plaintiff is emotionally distraught and has been compelled to hire counsel to prosecute this action.
16. Defendant has damaged Plaintiff emotionally and mentally and has caused substantial anxiety and stress.
17. Defendant violated the FDCPA.

COUNT ONE

Violation of the Fair Debt Collections Practices Act

18. Plaintiff incorporates each of the preceding allegations as if specifically stated herein.
19. The Defendant violated 15 U.S.C. §1692e by making misrepresentations during its conversations with Plaintiff.

COUNT TWO

Violation of the Fair Debt Collections Practices Act

20. Plaintiff incorporates each of the preceding allegations as if specifically stated herein.
21. The Defendant violated 15 U.S.C. §1692e, generally, by having non-attorneys overtly state that they could control the decision to litigate and the timing and scope of the litigation, when in fact this would be an attorney decision.

COUNT THREE

Violation of the Fair Debt Collections Practices Act

22. Plaintiff incorporates each of the preceding allegations as if specifically stated herein.
23. The Defendant violated 15 U.S.C. §1692e in that it threatened legal action where such action was not contemplated, and stated for the sole purpose of terrifying the Plaintiff.

COUNT FOUR

Violation of the Fair Debt Collections Practices Act

24. Plaintiff incorporates each of the preceding allegations as if specifically stated herein.

25. The Defendant violated 15 U.S.C. §1692f in that its actions were unfair and/or unconscionable means to collect a debt.

COUNT FIVE

Violation of the Rosenthal Fair Debt Collection Practices Act

26. Plaintiff incorporates each of the preceding allegations as if specifically stated herein.
27. The Defendant violated California Civil Code §1788.17 by violating 15 U.S.C. §1692e by making misrepresentations during its conversations with Plaintiff.

COUNT SIX

Violation of the Rosenthal Fair Debt Collection Practices Act

28. Plaintiff incorporates each of the preceding allegations as if specifically stated herein.
29. The Defendant violated California Civil Code §1788.17 by violating 15 U.S.C. §1692e, generally, by having non-attorneys overtly state that they could control the decision to litigate and the timing and scope of the litigation, when in fact this would be an attorney decision.

COUNT SEVEN

Violation of the Rosenthal Fair Debt Collection Practices Act

30. Plaintiff incorporates each of the preceding allegations as if specifically stated herein.
31. The Defendant violated California Civil Code §1788.17 by violating 15 U.S.C. §1692e in that it threatened legal action where such action was not contemplated, and stated for the sole purpose of terrifying the Plaintiff.

COUNT EIGHT

Violation of the Rosenthal Fair Debt Collection Practices Act

32. Plaintiff incorporates each of the preceding allegations as if specifically stated herein.
33. The Defendant violated California Civil Code §1788.17 by violating 15 U.S.C. §1692f in that its actions were unfair and/or unconscionable means to collect a debt.

JURY DEMAND

34. Plaintiff demands a trial by jury.

PRAYER FOR RELIEF

35. Plaintiff prays for the following relief:

- a. Judgment against Defendant for actual damages, statutory damages pursuant to 15 U.S.C. §1692k and costs, and reasonable attorney's fees pursuant to 15 U.S.C. §1692k.
- b. Judgment against Defendant for actual damages, statutory damages, costs, and reasonable attorney's fees pursuant to The Rosenthal Fair Debt Collection Practices Act.
- c. For such other legal and/or equitable relief as the Court deems appropriate.

RESPECTFULLY SUBMITTED,

Legal Helpers, P.C.

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